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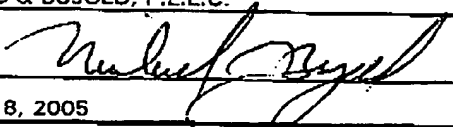
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Application Number	10/699,077	RECEIVED CENTRAL FAX CENTER
Filing Date	October 31, 2003	
First Named Inventor	Leslie ROSS	MAY 18 2005
Group Art Unit	1771	
Examiner Name	Hai VO	Fax: (571) 273-8300
Total No. of Pages in this Submission: 3	Attorney Docket Number	BRONIG P65AUS

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee attached <input checked="" type="checkbox"/> Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Part/s Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Petition <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Additional Enclosure(s) (please identify below):
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REMARKS**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

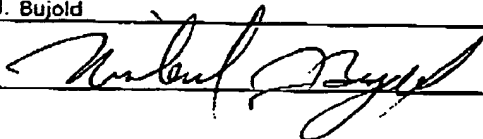
Firm or Individual Name	Michael J. Bujold DAVIS & BUJOLD, P.L.L.C.	Reg. No. 32,018 CUSTOMER NO. 020210
Signature		
Date	May 18, 2005	

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the USPTO on May 18, 2005

Type or printed name Michael J. Bujold

Signature



Date: May 18, 2005

5/18/05

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Leslie ROSS
Serial no. : 10/699,077
Filed : October 31, 2003
For : COMPOSITE SHEET MATERIAL
Group Art Unit : 1771
Examiner : Hai VO
Docket : BRONIG P65AUS

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The Commissioner for Patents
U.S. Patent & Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Dear Sir:

This response is being filed in reply to the office action mailed April 29, 2005. In that action, the Examiner has required restriction under 35 U.S.C. § 121 between the following groups of claims:

- I. Claims 1-10, drawn to a composite sheet, classified in class 428, subclass 319.3; or
- II. Claims 11-15, drawn to a method of bending a composite sheet, classified in class 264, subclass 295.

Withdrawal of the raised restriction requirement is respectfully requested in view of the following remarks.

In requiring restriction, the Examiner characterizes the inventions of Groups I and II to be related as "process of making and product made". The Examiner then alleges that the product as claimed can be made by another and materially different process such as where the skins are bound to the expanded and cured resin during the molding. In making this statement, the Examiner appears to have ignored the stated limitations in the Group I and II claims which both cover a composite sheet material "comprising a core formed from thermoplastic cellular material having a first side and a second side parallel to the first side, a first skin of continuous thermoplastic sheet material on the first side of the core and a second skin of continuous thermoplastic sheet material on the second side of the core" (see claims 1, 8 and 11, lines 1-4). Similar limitations are found in claims 14 and 15.

It is respectfully submitted that if the skins of the composite sheet material are bound to the expanded and cured resin during the molding, as alleged by the Examiner, such process would not be a materially different from the process recited in the Group II method claims.

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Accordingly, the limitations claims 1-13, at the very least, are so closely related to one another that infringement of Group II method claims 11-13 will almost certainly produce a composite sheet material in accordance with the claims of Group I as well as infringement of the Group I composite sheet claims will almost certainly be produced by the method Group II method claims 11-13. Therefore, the Applicant respectfully submits that the product, as presently claimed, cannot be made by materially different method and the method, as presently claimed, cannot make a materially different product.


In requiring restriction, the Examiner also notes that the inventions are classified in different classes and subclasses, thus alluding to the fact that the inventions would involve divergent fields of search. However, as the Examiner is well aware, such a factor per se is not a basis for determining distinctiveness in accordance with MPEP 806.

Furthermore, it is respectfully submitted that there is nothing in 35 U.S.C. § 121 that gives the U.S. Patent Office the authority to require restriction between different statutory classes of claims unless the claims cover "independent" and "distinct" inventions. It is respectfully submitted that the statutory requirements have not been met for Groups I and II. Therefore, the Examiner should withdraw the requirement for restriction and provide the Applicant with an action on the merits for all claims contained within this application.

In summary, it is respectfully submitted that all of the pending claims are believed to be directed to a single invention. However, so as to be fully responsive, the Applicant elects the invention disclosed in Group I (claims 1-10) and it is requested that, without further action thereon, claims 11-15 be retained in this application pending disposition of this case and for possible filing of a divisional application(s).

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,


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